

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

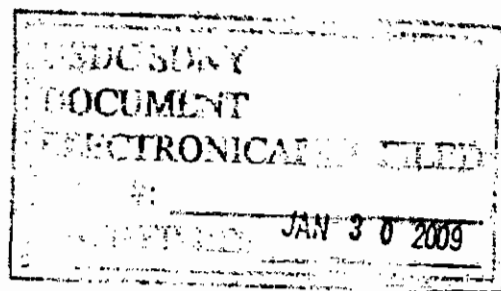
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AFL FRESH AND FROZEN FRUITS &  
VEGETABLES, INC.,

Plaintiff,

-v-

MARKET DIRECT, INC. and DOMINIC  
MEO,

Defendants.  
-----X



No. 06 Civ. 2141 (LTS)

**MEMORANDUM ORDER**

On March 20, 2006, AFL Fresh and Frozen Fruits & Vegetables, Inc. ("Plaintiff"), a New York corporation engaged in the business of selling produce in interstate commerce and a licensed dealer under the Perishable Agricultural Commodities Act ("PACA"), commenced this action against Market Direct, Inc., a New York corporation licensed under the trust provisions of PACA and Dominic Meo, the Officer and Director of Market Direct, Inc. (collectively, "Defendants"). Plaintiff alleges that Defendants received and accepted produce from Plaintiff for which Defendants were obligated to pay \$25,996 but, despite repeated demands from Plaintiff, Defendants failed to remit payment.

Plaintiff properly served the summons and complaint on the Defendants and Defendants have not appeared in this action. The Honorable John E. Sprizzo granted Plaintiff permission to move for default judgment (docket entry no. 4) and Plaintiff submitted a motion for default judgment on November 10, 2006 (docket entry no. 7). Plaintiff submitted a certificate of service affirming that it served the motion for default judgment on Defendants; a Clerk's Certificate


attesting to Defendants' default; and a Certificate in Lieu of Affidavit of Lee Pakulsky, dated October 27, 2006. The Court has fully considered Plaintiff's submission. It is hereby

ORDERED, that Plaintiff's motion is granted to the extent it seeks the unpaid contract debt, costs and disbursements, and pre-judgment interest. It is further

ORDERED, that the Clerk of the Court enter judgment in Plaintiff's favor against Defendants, jointly and severally, in the total amount of \$25,996, the amount owed for the produce delivered, plus \$265, for the costs and disbursements of this action, plus pre-judgment interest of 9%, accruing from January 22, 2003 through the date judgment is entered.

This resolves docket entry no. 7. The Clerk of the Court is respectfully requested to enter judgment and close this case.

Dated: New York, New York  
February 2, 2009

  
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LAURA TAYLOR SWAIN  
United States District Judge